

REMARKS

Claims 1-24 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-13, drawn to a method for evaluating elimination of microorganisms by irradiation; and

Group II, claims 14-24, drawn to an apparatus for evaluating elimination of microorganisms by irradiation.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-13. In addition, responsive to the request made by the Examiner, the applicants hereby elect the species or invention of Claim 1 to be searched and examined herein **with traverse**.

The reason for the traversal is that a search for the method necessarily entails a search for the apparatus without undue burden on the Examiner since these respective embodiments are intertwined with each other. In short, all of the claims in the present application set forth the same inventive concept.

Favorable action is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Raymond C. Stewart, Registration No. 21,066 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

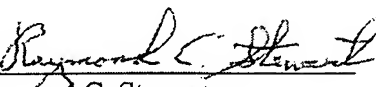
Application No.: 10/510,210

Docket No.: 4978-0101PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: January 5, 2009

Respectfully submitted,

By 
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